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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,791	04/13/2004	Naruki Suetake	Q80419	3257
23373	7590	10/17/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/822,791	Applicant(s) SUETAKE ET AL.	
	Examiner Tung S. Lau	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2005 has been entered.

Claim benefit of earlier filing date

2. Reminds the applicants that to claim benefit of earlier filing date right of priority under 35 U.S.C. 119 the applicant(s) must provide the translation of such document if not in English (see 35 U.S.C. 119 (b) (3)).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

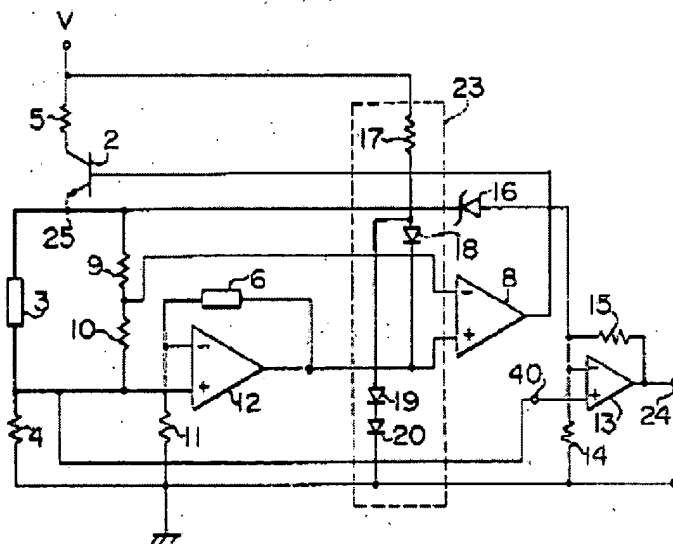
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasayama et al. (U.S. Patent 4,297,881).

Regarding claim 1:

Sasayama discloses a heat sensitive flow meter for measuring a flow rate of a fluid passing through a pipe provided in an internal combustion engine (abstract,

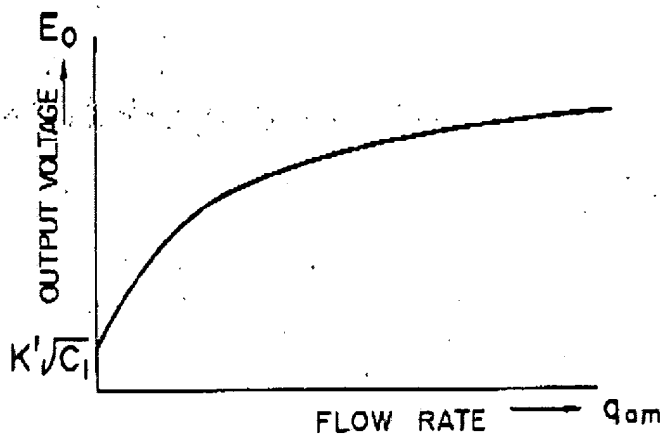
fig. 1), comprising: a filter for inputting a flow rate signal outputted from a flow rate detector installed within the suction pipe and subjecting the flow rate signal to a filter processing (fig. 5, unit 12, 8, 13); and a selector for comparing the flow rate signal outputted from the flow rate detector and a filter signal outputted from the filter to select the signal having a higher voltage from the flow rate signal and the filter signal as a new flow rate signal (fig. 5, unit 24, fig. 3, unit 196, 178. fig. 8 Col. 9-10, Lines 1-37).

FIG. 5

Regarding claim 5:

Sasayama discloses a heat sensitive flow meter' for measuring a flow rate of a fluid passing through a pipe provided in an internal combustion engine (abstract), the improvement comprising: comparing a flow rate signal outputted from flow rate detection means installed within the pipe and a filter signal obtained by

subjecting the flow rate signal (Col. 6-7, Lines 65-31) to a filter processing using a previously set filter function and selecting the signal having a higher voltage from the flow rate signal and the filter signal as a new flow rate signal (fig. 5, unit 24, fig. 3, unit 196, 178. fig. 8 Col. 9-10, Lines 1-37).

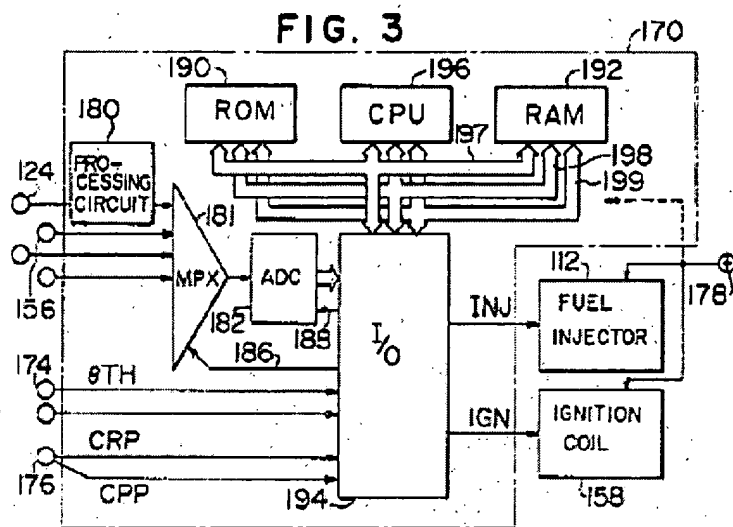
FIG. 8

Regarding claim 9:

Sasayama discloses in a heat sensitive flow meter for measuring a flow rate of a fluid passing through a suction pipe provided in an internal combustion engine (abstract, fig. 1, unit 106), the improvement comprising: a receiving data on a throttle aperture of the internal combustion engine and data on the number of revolutions of the internal combustion engine to judge whether or not the throttle aperture is equal to or larger than a set value for the throttle aperture previously set in correspondence to the number of revolutions (fig. 2); and when the throttle aperture is equal to or larger than the set value (Col. 3-4, Lines 40-18, fig. 1, unit 114, 116), judging whether or not a value of a flow rate signal outputted from the

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flow rate detection means installed within the pipe is equal to or smaller than a set value for a flow rate signal previously set and selecting the set value as a new flow rate signal when the value of the flow rate signal is equal to or smaller than the set value (fig. 5, unit 24, fig. 3, unit 196, 178. fig. 8 Col. 9-10, Lines 1-37).

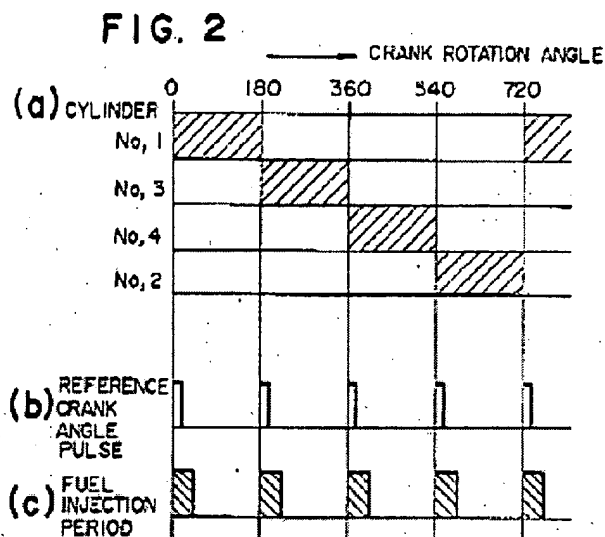


Regarding claim 10:

Sasayama discloses in a heat sensitive flow meter for measuring a flow rate of a fluid passing through a suction pipe provided in an internal combustion engine (abstract), the improvement comprising: receiving data on a pressure within the pipe and data on the number of revolutions of the internal combustion engine to judge whether or not the pressure is equal to or larger than a set value for the pressure previously set in correspondence to the number of revolutions (fig. 2); and when the pressure is equal to or larger than the set value (fig. 8), judging whether or not a value of a flow rate signal outputted from a flow rate detection


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means installed within the pipe is equal to or smaller than a set value for the flow rate signal previously set and selecting the set value as a new flow rate signal when the value of the flow rate signal is equal to or smaller than the set value (fig. 5, unit 24, fig. 3, unit 196, 178. fig. 8 Col. 9-10, Lines 1-37).



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2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TL
MICHAEL NGHIEM
PRIMARY EXAMINER